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# "The View From Borderland"

Preserving the Images and  
Essence of Our Common  
Wealth Through Land  
Protection



An Action Plan  
For the Next  
Decade

GOVERNMENT DOCUMENTS  
COLLECTION

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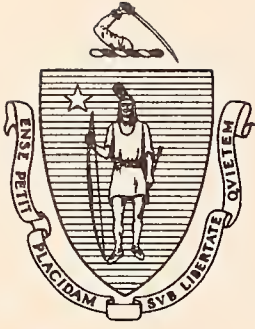
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A Stewardship  
Plan for the  
Next Century



Massachusetts Executive  
Office of Environmental Affairs



THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE DEPARTMENT

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ARGEO PAUL CELLUCCI  
GOVERNOR

October 15, 1998

Dear Friend of Open Space:

This report outlines a bold vision for open space protection in the Commonwealth of Massachusetts. During the course of eight years, over 100,000 acres have been protected. We must expand the partnerships that brought us this far. The next ten years will see some of the most dramatic growth this state has experienced. The matching of our development with our investments in resource protection is crucial to sustaining both the economy and the environment well into the next century.

Therefore, we must continue to strengthen and expand partnerships between government and the non-profit community, between local government and regional planners, and between conservation groups and industry. With these ideas in mind, I call upon everyone who cares about open space to join me in partnership to achieve a number of key goals:

- protect 200,000 acres of open space by 2010,
- preserve 3 acres as open space for every one acre developed,
- protect working landscapes - farms, forests and bogs to meet the 3:1 goal,
- protect within ten years existing and potential drinking water supplies,
- support local and regional land planning to identify key parcels for protection,
- protect the habitat of rare and endangered species,
- protect open space to bring Massachusetts waters to fishing and swimming standards,
- create a "border to border" greenway of trails and open space across Massachusetts.

My greatest confidence is in those who invest personal time, effort, and money to meet these goals. I pledge that state government will do its part. The 100,000 acre goal was met with support ranging from the largest land trust to the individual donor of a conservation restriction. Everyone can make a difference to meeting these goals for the 21st century.

Sincerely,

A handwritten signature in black ink, reading "Argeo Paul Cellucci".  
Argeo Paul Cellucci



# "The View From Borderland"

Preserving the Images and Essence  
of Our Common Wealth  
Through Land Protection



## REPORT OF GOVERNOR'S BLUE RIBBON PANEL ON LAND PROTECTION OCTOBER, 1998

Argeo Paul Cellucci, Governor - Commonwealth of Massachusetts  
Trudy Coxe, Secretary - Executive Office of Environmental Affairs  
Jan Reitsma, Undersecretary - Executive Office of Environmental Affairs  
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## GOVERNOR'S BLUE RIBBON PANEL ON LAND PROTECTION

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## ACKNOWLEDGMENTS

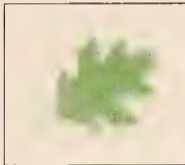
The Executive Office of Environmental Affairs would like to recognize the project's consulting team, as well as, the following groups for their contributions to this effort and for providing valuable meeting space:

### Consulting Team:

RKG Associates, Inc. - Durham, NH  
LandUse, Inc. - Hadley, MA  
South Shore Planning Associates - Green Harbor, MA  
Connors, Bliss & Courville, P.C. - Boston, MA

The Interagency Lands Committee  
Massachusetts Land Trust Community  
Massachusetts Audubon Society  
Borderland State Park  
Brookwood Farm Conference Center at  
Blue Hills Reservation





# TABLE OF CONTENTS

Land Protection Challenge for the Next Decade ..... 1

**“The View From Borderland” - Capturing the Images and Essence of Our Common Wealth Through Land Protection**

Introduction ..... 2

The Blue Ribbon Panel on Land Protection - “A Call for Action” ..... 2

Urgent Need for Action ..... 5

What is Land Protection? ..... 6

Does Land Protection Really Matter? ..... 7

The Blue Ribbon Panel’s Vision for Land Protection in the 21<sup>st</sup> Century ..... 9

Policy Vision #1 - Setting a Higher Standard for Development and Land Protection ..... 10

Policy Vision #2 - State and Regional Planning and Priority Setting for Land Protection ..... 13

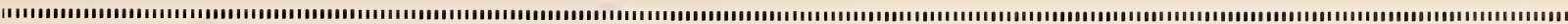
Policy Vision #3 - Leveraging Resources for Land Protection ..... 15

Policy Vision #4 - Defining Roles and Building Partnerships for Land Protection ..... 17

Policy Vision #5 - Measuring Progress and Achieving the Goal ..... 19

If We Commit to Land Protection Now, How Will We Change the Future? ..... 20

A Decade of Action for a Century of Commitment ..... 21





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## LAND PROTECTION CHALLENGE FOR THE NEXT DECADE

In 1991 the Weld-Cellucci Administration challenged itself to protect an additional 100,000 acres of land -- farmlands and forests, coastlines and river corridors, watersheds and wetlands, parks, scenic vistas, and other precious natural features. While 1998 marks the accomplishment of this milestone, we can see that our work is not complete. Still the rate of land consumption far outstrips the rate of land protection. There is still much to be done so that 100 years from now the Commonwealth of Massachusetts will still be distinguished by natural and historic landscapes that sustain our citizens' health and well-being, and attract and support the vibrant economic activities that are also essential to our quality of life.

What our land protection efforts accomplish over the next decade will significantly influence the face of Massachusetts for the next century. The Governor's Blue Ribbon Panel on Land Protection issues the following challenges to the Commonwealth and its residents over the next decade:

- ▶ To protect all the aquifers and surface drinking water supplies that will be needed for at least the next 100 years;
- ▶ To protect at least three acres of recreation, open space, and other natural and historic landscapes for every new acre developed over the next decade. A minimum of 200,000 acres of projected land has been established as a goal for all land protection organizations over the next ten years.
- ▶ To stabilize Massachusetts' working farms and forests by protecting at least three acres of productive land for every acre taken out of use for development. The Commonwealth shall establish a long-term threshold of working landscapes below which it shall not drop.
- ▶ To eliminate the backlog of Self-Help and Urban Self-Help Program funds for every deserving land protection project located in communities with open space and growth plans.
- ▶ To encourage the Commonwealth's cities and towns to protect municipal land holdings that are currently unprotected.
- ▶ To establish strong working partnerships between the Commonwealth and its municipalities, as well as utility companies, large land owners, regional planning agencies, and all other land protection groups, for the purpose of increasing statewide land protection efforts.
- ▶ To call for the Governor to establish a Sustainable Development Council to study and recommend ways to encourage sustainable growth while preserving our resources and quality of life.
- ▶ To protect large blocks of open space and water resources that are linked by a system of trails and natural wildlife corridors and create a border-to-border greenway across the Commonwealth.

### LAND PROTECTION STATISTICS 1991-1998

TOTAL ACRES PROTECTED:	101,616 ac.
TOTAL STATE INVESTMENT:	\$317 million
▶ APR Program	12,550 ac.
▶ Conservation Easements	30,105 ac.
▶ MDC Watershed Program	12,730 ac.
▶ DEM Parks	14,245 ac.
▶ Fisheries & Wildlife	28,251 ac.
▶ MDC Parks	2,145 ac.





# “THE VIEW FROM BORDERLAND”

Preserving the Images and Essence  
of Our Common Wealth  
Through Land Protection

## INTRODUCTION

“The View From Borderland” is a state policy document that is intended to serve as a blueprint for future land protection efforts in Massachusetts over the next decade. It is widely believed by those monitoring Massachusetts’ development trends, that our land protection and conservation efforts over the next ten years will greatly influence the quality of life enjoyed by current and future Massachusetts citizens.

Recognizing the importance of this issue, Governor Cellucci, through his Executive Office of Environmental Affairs, appointed a Blue Ribbon Panel on Land Protection to identify strategic policies to guide the Commonwealth into this next critical decade of land protection.

This plan contains the findings and recommendations of the Governor’s Blue Ribbon Panel on Land Protection, and calls upon the Commonwealth’s state agencies, communities, and the land protection community to join in a focused ten-year initiative to protect for all time the natural and working landscapes on which the health, well-being, and livelihood of our citizens and environment depend.

## THE BLUE RIBBON PANEL ON LAND PROTECTION - “A Call for Action”

A 16-member Blue Ribbon Panel on Land Protection was appointed by Governor Cellucci during the summer of 1998. This distinguished panel of land protection professionals, real estate and industry leaders, and state environmental agency officials was convened for a series of meetings, highlighted by a two-day workshop at Borderland State Park in Easton, Massachusetts. The Panel was asked to contemplate and discuss the future of the Commonwealth, and examine the role and importance of land protection in determining our quality of life and economic prosperity.

The Blue Ribbon Panel adopted as its mission,

*“ . . . to create a long-range vision for the strategic protection of natural, recreational, and environmental resources that contribute positively to the quality of life of all Massachusetts residents, and sustain the balance between the built and non-built environment. The Blue Ribbon Panel’s charge is to recommend a policy framework and establish state priorities governing the acquisition and/or protection of land and water-based resources over the next decade. The resulting recommendations should promote cooperation and efficiency among diverse organizations, and should seek to maximize the financial and human resources, technical expertise, and organizational capacity of federal, state, local, and nonprofit organizations.”*



From this planning process evolved a policy plan that is intended to guide the Commonwealth's land protection efforts over the next decade and into the next century. The five major policy recommendations contained in this plan involve: (1) setting a higher standard for both development and land protection; (2) state and regional planning and priority setting; (3) leveraging resources; (4) defining roles and building partnerships; and (5) measuring progress. Consistent with these recommendations, the Blue Ribbon Panel now calls for the Governor, the state legislature, and the residents of Massachusetts to take the following actions to preserve our state for future generations.

#### Land Protection Targets . . .

**The Blue Ribbon Panel on Land Protection calls for at least a doubling of statewide land protection efforts over the next ten years.** This should be accomplished through the utilization of all available protection techniques and the leveraging of private, nonprofit, municipal, and federal resources.

- ▶ A minimum goal of 200,000 acres protected land has been established for the next ten years.
- ▶ all sectors of the Commonwealth should come together in a broad coalition to protect three acres of recreation, open space, and other natural and historic landscapes for every new acre of land developed over the next ten years.
- ▶ protect all aquifers and surface drinking water supplies that will be needed for at least the next 100 years;
- ▶ empower communities to develop land protection plans and assist them in saving

lands that are essential to preserving their distinctive characters;

- ▶ ensure continued biodiversity by protecting land where examples of viable natural communities exist;
- ▶ ensure that all of Massachusetts' waterways meet their designations and remain swimmable and fishable, by controlling or protecting those adjacent land uses that contribute non-point source pollution;
- ▶ protect large blocks of open space and water resources that are linked by a system of trails and natural wildlife corridors and create a border-to-border greenway across the Commonwealth;
- ▶ stabilize the loss of Massachusetts' working farms and forests by protecting at least three acres for every new acre taken out of active use for development purposes; and
- ▶ provide easily accessible recreational and open space near existing developed areas.

#### Governance and Regulations . . .

**The Blue Ribbon Panel on Land Protection calls for a fundamental change in the way that our remaining land resources are used and developed throughout the Commonwealth.** The quality of life and economic prosperity that we enjoy in Massachusetts relies on a complementary relationship between the built and non-built environment. How we use our land resources will significantly impact our way of life and economic well-being. The Blue Ribbon Panel on Land Protection calls for the Governor to create a Sustainable Development Council to:

- ▶ ensure full implementation by all relevant

state agencies of Executive Order 385. which advocates proactive and coordinated planning oriented toward both resource protection and sustainable economic activity, and make it a top state priority;

- ▶ assure that localities can incorporate land protection requirements as a vital component of local growth planning;
- ▶ undertake a comprehensive review and overhaul of state planning and land use statutes to link local regulations to local and regional growth and open space plans;
- ▶ enable localities to incorporate into their land planning regulations techniques for protecting natural and historic resources;
- ▶ recommend how to eliminate state government policies, regulations, and infrastructure investments that stimulate undesirable growth patterns, also known as sprawl; and
- ▶ call for the expansion and improvement of infrastructure where capacity exists and study the application of growth boundaries for state infrastructure, especially state transportation projects.

### Need for State Leadership and Regional Partnerships . . .

**Strong state leadership is necessary and desired by the land protection community and municipalities in order for the Commonwealth to achieve its vision for the next century.** The Blue Ribbon Panel on Land Protection calls for the Governor and the Executive Office of Environmental Affairs to spearhead an agenda for land protection that will:

- ▶ lead to a coordinated strategy of land

protection and land management among all state agencies, regardless of their mission;

- ▶ coordinate state infrastructure investments and regulatory actions with regional growth and open space plans;
- ▶ provide state leadership and support to municipalities and local and regional organizations to establish regional land protection priorities by year end 2000;
- ▶ provide state leadership in educating communities, particularly individual property owners and their financial advisors, about the favorable community and tax benefits of land protection;
- ▶ encourage the creation of state and regional partnerships for land protection;
- ▶ provide leadership in using innovative incentives for land conservation efforts; and
- ▶ place a priority, where advantageous, on the use of conservation restrictions rather than fee simple acquisition methods.

### Leveraging Resources . . .

It is generally recognized that there is no reasonable level of state funding sufficient to accomplish all of the Commonwealth's land protection goals over the next decade. **Given this limitation, the Blue Ribbon Panel on Land Protection calls for a fundamental change in the state's approach to funding land protection activities including:**

- ▶ satisfy the pent-up demand for Self-Help and Urban Self-Help Program funding in communities with approved open space and growth plans.



- ▶ leverage private, nonprofit, municipal, federal, and other resources through the use of state funding incentives;
- ▶ reallocate existing state bond funds in a way that strengthens and expands regional land-based protection programs such as regional land trusts;
- ▶ acquire or protect open space as a means of preventing development in targeted areas, thereby averting other infrastructure costs that would otherwise be required to serve growth in undesignated development areas;
- ▶ create new dedicated funding sources for land protection;
- ▶ increase the annual predictability of existing state bond funding;
- ▶ adopt state enabling legislation for local option funding of land protection; and
- ▶ promote the use of techniques for land protection other than fee-simple acquisition.

### DID YOU KNOW?

Massachusetts has a long and great tradition of land protection dating back to the writings of Henry David Thoreau in the mid-1800s. The Trustees of Reservations, the first land trust in America serving a large region, was established in 1891 and remains a leader in land protection today.

## URGENT NEED FOR ACTION

In April of 1996 the Weld-Cellucci Administration issued Executive Order 385, "Planning for Growth." The purpose of the Executive Order is to promote sustainable economic development and resource protection. Planning for growth promotes sustainable economic development in patterns that minimize the conversion of open spaces for development, minimize impacts to environmental quality and resources, maximize the economic value and use of existing infrastructure, preserve and enhance the viability of city and town centers, and protect the fiscal solvency of local and state governments.

Executive Order 385 demands that we reevaluate our past development practices, and take actions to better manage our land and environmental resources in the face of continuing growth pressures. There are many indicators that highlight the urgent need to act now in order to preserve our most important and irreplaceable resources.

- ▶ For the period of 1950-1990, the population of Massachusetts grew 28 percent while the amount of developed land increased by 188 percent, more than six times the rate of population growth.<sup>1</sup>
- ▶ More than twice as much land has been developed since 1950 than was developed in the previous 300 years.
- ▶ The state's development pattern is getting less dense resulting in a more inefficient use of land resources. Developed land throughout Massachusetts now has less than half the population density (4.97

<sup>1</sup>U.S. Census Data, U. Mass/MacConnel Land Use Data, MassGIS

persons/acre) than it had in 1950 (11.19 persons/acre).

- ▶ Each Massachusetts resident currently “consumes” more than twice as much developed land (.2 acres per person) than he or she did in 1950 (.09 acres per person).<sup>2</sup>
- ▶ If recent development trends continue, roughly one-third of the land mass of the state will be developed by the Year 2010 ~ four times as much land as was developed in 1950.
- ▶ Since 1950, the Boston metropolitan region alone has lost almost half of its open space, even though the population has increased only moderately.
- ▶ In the Pioneer Valley, it is estimated that growth will result in the conversion of 37,000 acres of farmland by 2020 as a result of large-lot residential and commercial strip development.<sup>3</sup>
- ▶ If Massachusetts had developed during the last 50 years at the same average density it had in 1950, more than half of the land which is currently developed ~ roughly 700,000 acres ~ would still be open space. Moreover, much of this open space, particularly farm and forestry land, would still be producing income for the Commonwealth.

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<sup>2</sup>Ibid.

<sup>3</sup>“Western Mass Reaches Turning Point on Land Use”  
Springfield Union News, May 21, 1997

### DID YOU KNOW?

- ▶ Since 1945, the number of Massachusetts farms has declined from 35,000 to 6,000, and over 1.3 million acres of farmland have been lost.
- ▶ If current trends continue, Massachusetts’ remaining 400 dairy farms will disappear by the Year 2005.
- ▶ Once a watershed has roughly 18 percent of its contributing land area developed, it begins to affect the quality of sensitive stream systems.
- ▶ Two-thirds of the water bodies assessed in Massachusetts fail to meet one or more water quality standards.
- ▶ The bulk of water-related pollution comes from storm water runoff from nearby developed land.

### WHAT IS LAND PROTECTION?

In general terms, land protection is the act of acquiring or otherwise securing land and water resources (either temporarily or permanently) and maintaining it in its natural state.

Protection can be accomplished through various methods such as fee simple acquisition, gift, bargain sale, conservation easement, or other method, and is generally undertaken for economic, preservation, environmental, or quality of life reasons.

The need for land protection arises from the fact that land supports such things as public drinking water supplies, biodiversity, recreational resources, and working landscapes. While these resources possess intrinsic values, they also are critical to our way of life as well as our health and safety. Given the underpinning importance of these resources to our economic prosperity and quality of life, we must carry out our stewardship responsibilities in order to protect our critical natural, historic, and recreational resources from



degradation and elimination.

Asserting the right of the people of Massachusetts to a healthy natural environment and quality of life, the Massachusetts Constitution, in Article 97 of the Articles of Amendment to the General Provisions, states:

*"The people shall have the right to clean air and water, freedom from excessive and unnecessary noise, and the natural, scenic, historic, and esthetic quality of their environment; and the protection of the people in the right to the conservation, development and utilization of the agricultural, mineral, forest, water, air and other natural resources is hereby declared to be a public purpose . . ."*



**BLUE RIBBON PANEL - Borderland State Park**

The Blue Ribbon Panel deliberates over how to establish state and regional priorities for land and natural resource protection.

## DOES LAND PROTECTION REALLY MATTER?

The protection of natural and historic landscapes is not a luxury, it is essential to our collective future and quality of life. It is important that we protect what we hold dear to us - those qualities that make our communities prosperous and

liveable, and feel like "home." But we must guard against viewing land protection as being at odds with economic development. **Here in Massachusetts, our landscape and natural resources and our built environment work hand in hand to create a distinctive, vibrant, healthy place to live, work, and build a good life for ourselves and our children.** In order to achieve our vision for Massachusetts, we must recognize the importance of, and commit ourselves to, achieving a complementary and sustainable relationship between the built and natural environment.

In many ways we are being challenged now to protect those very values that identify us as New Englanders and define our heritage as America's founding colony. As we transition into a new century, it is important that we take stock of our past accomplishments, but we must also reassert our basic core values and commit ourselves to being good stewards of the land. Through our commitment to action, we will ensure that Massachusetts remains a place that is connected by its rich history and a vision of the future and remains a great place to live, work, learn, play, and raise our children.

If we achieve our vision for land protection, we will uphold our public trust and make good on the following promises to current and future generations:

### Protect Public Safety and Quality of Life

- ▶ There will be sufficient water that is clean enough for people to drink and recreate in and to sustain aquatic and upland habitats;
- ▶ All citizens across the Commonwealth, regardless of where they live, will enjoy convenient access to various forms of open space, parks, natural areas, farmlands, and scenic views;



- ▶ We will be able to find refreshment and quiet enjoyment through outdoor activities such as walking, biking, swimming, recreation, hunting, fishing, or just enjoying a view;
- ▶ We will have a much keener sense of ourselves, where we come from, and where we are going, because our communities will value and protect the unique, defining elements of our past;
- ▶ As we go about our daily activities, it will be a pleasure to look at our landscape and natural surroundings;

#### Sustain Economic Prosperity

- ▶ The underpinnings of our economy will remain strong because people will continue to be attracted to Massachusetts as a place to live, recreate, visit, pursue education, and operate and establish new businesses;
- ▶ Businesses and services will continue to function because there is a sufficient supply of healthy and high quality water;
- ▶ The agricultural, forestry, and fisheries sectors, and the communities that depend upon them, will remain economically viable so that the products that they produce can be enjoyed by the people of Massachusetts; and
- ▶ Cities and towns will continue to enjoy the fiscal benefits of attractive, high value natural and historic resources, and will recognize the importance of increasing their protection, based upon interrelated environmental and economic factors;

#### Preserve Environmental Quality

- ▶ Our urban heritage will be enhanced, promoting revitalization of our cities and reducing development pressures on unbuilt areas and open space;
- ▶ The dangers and damage of flooding will not be increased due to inappropriate and unsafe coastal or floodplain development and the destruction of wetland areas;
- ▶ We will have permanently protected the most important natural and working landscape systems upon which our health, safety, and well-being depend. Through our protection efforts we will also recognize the intrinsic value of preserving diverse and intact natural communities and the natural processes that they support and on which we also depend; and
- ▶ Massachusetts citizens will recognize that land protection and environmental health underpins our economy and makes our communities more livable. It also helps us to preserve elements of our natural environment for the healthy enjoyment of all residents.

#### **BLUE RIBBON PANEL'S TOP POLICY DIRECTIVES**

1. Setting a higher standard for development and land protection.
2. State and regional policy setting and land protection.
3. Leveraging resources for land protection.
4. Defining roles and building partnerships for land protection.
5. Measuring progress and achieving the vision.



## THE BLUE RIBBON PANEL'S VISION FOR LAND PROTECTION IN THE 21<sup>st</sup> CENTURY

The Blue Ribbon Panel's vision for land protection is to work in partnership with people from all the state's diverse regions, to protect and preserve an array of emerald vistas, working landscapes, vibrant natural habitats, and livable communities, from the beach grass of Cape Cod and the Islands to the forests of the Berkshires, from the family farms to the city parks, from the mountaintops to the river valleys - where natural places exist in harmony with man-made places and where mutual economic and environmental well-being are sustained.

**This vision cannot happen unless a broad coalition of interests brings about fundamental changes in the way we use our land resources.** The effects of sprawl are illustrated by the fact that the total land area consumed by development has nearly doubled over the past fifty years while the Commonwealth's total population has only increased by 28 percent. Because land protection is at the heart of our environmental and economic well-being, it is with utmost urgency that we immediately embark on a renewed program to save our natural heritage.

*It is our collective hope that when our grandchildren take their grandchildren down to the old town common, or out for a hike on a trail, or a swim in the river, they will be able to say, "Yes, someone did plan for growth." Of course some things will have changed, but what they will see is still the Massachusetts that their ancestors worked so hard to save and strengthen, the Massachusetts we still know as home."*

Blue Ribbon Panel on Land Protection  
August, 1998

## PARTNERSHIP PROTECTS SHELBURNE FARM IN STOW

Jean and David Lynch were among the pioneers in pick-your-own orchard operations, but since David's death several years ago, Jean and her son have found it increasingly difficult to manage their 110-acre Shelburne Farm in Stow. Jean wanted to ensure that even if she sold the land, it would continue to be farmed.

The Stow Conservation Trust, an all volunteer private land trust, coordinated a meeting that included several land conservation organizations, neighbors, town and state officials who utilized their various skills and expertise to design a conservation plan for Shelburne Farm.

To ensure the continuation of farming, 58 acres were protected through an Agricultural Preservation Restriction (APR). The 42 wooded acres not suitable for farming were sold to the town as conservation land. The Stow Conservation Trust educated local citizens and succeeded in raising over \$50,000 towards acquisition costs. The Stow Conservation Commission then helped to apply for funds from the Commonwealth's Agricultural Preservation Restriction Program and generated support from the town for additional funds to purchase the wooded acreage. Stow residents at town meeting enthusiastically supported expending their tax dollars to preserve the working landscape of Shelburne Farm.

Source: "Land Conservation Options, A Guide for Massachusetts Landowners, "Essex County Greenbelt Association, Inc. and The Trustees of Reservations, June 1998.



# Setting a Higher Standard for Development and Land Protection

## POLICY VISION #1



### POLICY RATIONALE:

The Commonwealth's future investments in buildings and infrastructure and its regulatory actions need to be consistent with state, regional and local land protection goals and policies. The Commonwealth should not fund improvements in infrastructure or pass regulations that are in conflict with open space and growth planning goals and the policies expressed in this plan and in plans adopted by local governments and regional organizations. Compact, multiple-use development, especially in established urban areas, should become a central theme in the state's infrastructure investment and growth strategy. State regulatory and investment decisions, for example, the expansion of state highways or the construction of new prisons, can stimulate growth and development and change the character of our communities. While the Commonwealth cannot ignore its other responsibilities such as public safety, transportation, and economic development, it must minimize the potential negative effects that its actions can have on communities and regions.

### POLICY STATEMENT:

The Commonwealth and its communities recognize that natural and historical resources and open space are essential to achieving a complementary relationship between environmental health and economic development. The protection of open space also helps to preserve the character of our communities in the face of poorly planned development and rapid growth. To this end, the state should allocate state funds, promulgate new regulations, or directly undertake capital projects, only after first determining the potential local and regional impacts on community character, open space resources, and the increased potential of stimulating inefficient development patterns, also known as sprawl. The Commonwealth shall also assume a leadership role in setting goals for state land protection, improving the regulatory environment for land protection and environmental stewardship, and educating communities and property owners about the importance and value of land protection in sustaining fiscal and economic prosperity and maintaining a high quality of life.

## GOALS AND RECOMMENDATIONS

**GOAL 1.1: To improve the legal and regulatory framework under which land development occurs in Massachusetts.**

1.1.1: The Commonwealth and its municipalities should continue to work to thoughtfully streamline regulatory

review of those proposed developments that are consistent with local and regional plans.

1.1.2: The Governor should enhance Executive Order 385 and support legislative measures to carry it out. Executive Order 385 must be underpinned by a substantive commitment from all state agencies regardless of their mission. The



tenets of this Order must be institutionalized by way of a comprehensive legislative package which ensures that it remains a top policy initiative of the Commonwealth.

- 1.1.3: In recognition that sprawl consumes local land and financial resources that are needed elsewhere, the Governor's Sustainable Development Council should identify needed reforms in zoning and subdivision statutes in order to encourage increased land protection as well as more efficient and preferred patterns of land development. The Council should then recommend to the Governor those legislative changes that are needed to carry out these reforms.
- 1.1.4: The Governor should introduce legislation to make revisions to improve the effectiveness and application of MGL Chapter 61, 61A and 61B as well as statutory provisions that relate to Conservation Restrictions and Agricultural Preservation Restrictions.
- 1.1.5: Municipalities acquiring Chapter 61, 61A, and 61B land that is over 10 acres, should be required to place at least 50 percent of this land in permanent conservation status, with the balance to be used for other municipal purposes.
- 1.1.6: The Governor should expand the scope of Executive Order 193 to incorporate identified critical natural resources.

**GOAL 1.2: To improve the level of state and regional planning and research in order to better understand and communicate the benefits of land protection.**

- 1.2.1: The Governor's Sustainable

Development Council should work with the Executive Office of Environmental Affairs, the Massachusetts Department of Housing and Community Development, and regional planning agencies to prepare and disseminate studies on open space and growth management including: (1) the value of open space to Massachusetts communities; (2) the local and state cost of community services due to sprawl; (3) the economic value of planned growth; (4) the identification of hidden state and local tax incentives and other policies that encourage sprawl; (5) the impacts of real estate and other taxes on land use; and (6) alternative revenue raising concepts.

- 1.2.2: The Commonwealth should require the preparation and adoption of local and regional open space and growth plans as a condition for receiving discretionary funding from any state agency. The Executive Office of Environmental Affairs (EOEA) should provide an appropriate level of technical as well as financial assistance in order to facilitate the preparation of these plans.

**GOAL 1.3: To educate Massachusetts communities and individual property owners about the values of land protection and the various protection techniques and programs available.**

- 1.3.1: The Executive Office of Environmental Affairs (EOEA) and its agencies should launch a statewide educational program to: (1) encourage and promote the value of local and regional land protection efforts; (2) to disseminate state acquisition funding guidelines and priorities; (3) to share information on the current best practices of land

protection across the United States; and (4) to present model zoning and land use regulations that encourage efficient land development.

**GOAL 1.4: To preserve Massachusetts' working landscapes.**

- 1.4.1: The Commonwealth should set as a goal to stabilize its supply of working landscapes, including those farms, forests and fisheries that enhance our economy, provide jobs and preserve the beauty of our state through programs and assistance that encourage sustainable enterprises.
- 1.4.2: The Commonwealth should encourage private ownership of permanently protected working landscapes through conservation restrictions and similar tools in order to achieve more flexible management, maintain municipal tax revenues, and provide other benefits.



**BLUE RIBBON PANEL WORKSHOP - Borderland State Park**  
Timothy Brennan, Chairman of the Massachusetts Association of Regional Planning Agencies emphasizes the urgent need to halt low density sprawl throughout the Commonwealth.

**PREPARING FOR REGIONAL GROWTH IN SOUTHEAST MASSACHUSETTS**

Southeastern Massachusetts is the most rapidly growing region of the state and one of the fastest growing regions in the country. It is anticipated that the population of southeastern Massachusetts will increase by more than 200,000 people during the next 20 years. This growth will be intensified by over \$2 billion in state-funded infrastructure, including the reconstruction of Route 44, the widening of Routes 3 and 24, and the opening of the Old Colony Rail Line. Tens of thousands of acres of prime farm, forest, and resource land could be lost, compromising the long-term strength of the region's agricultural economy and quality of life. Without better planning, more land could be urbanized by 2020 as has been developed since 1620.

State agencies have begun to help towns address this growth. The Executive Office of Environmental Affairs has already provided roughly \$200,000 in Planning for Growth grants for the region. These grants provide an incentive for municipalities and regional planning agencies to work together as a region to address common challenges. A regional "Task Force," composed of business and civic leaders, is working to create a vision that will guide the region's development. This Task Force is supported by a "Government Affairs Committee," composed of representatives from state economic development, transportation, and environmental resource agencies, to provide appropriate governmental responses to the findings and recommendations of the Task Force.

Source: "Planning for Growth, Implementation of Executive Order 385 by Agencies of the Commonwealth," March 1998



# State and Regional Planning and Priority Setting for Land Protection

## POLICY VISION #2



### POLICY RATIONALE:

The Commonwealth should adopt a process for setting and periodically re-evaluating its priorities for the protection of land and water resources of regional, statewide, and national significance in two broad but equally significant categories. The **first category** includes high quality resources that: (1) stretch across political boundaries; (2) are critical for public health and safety; (3) maintain the distinctive character of each of our regions; and (4) cannot be adequately protected by local or regional groups and agencies. The protection of land resources within this category is expressly the responsibility of the state and should become a top priority. The Commonwealth's **second priority category** includes the protection of lands that provide multiple resource benefits.

### POLICY STATEMENT:

The Commonwealth should focus its future land protection priorities on working in partnership with local and regional agencies, conservation organizations, and others to protect special resources of state significance, specifically including land that supports **public water supplies, rare and unique habitats, and working landscapes**. The Commonwealth should also place a equal priority on protecting lands that offer **multiple resource benefits and identified and prioritized by regional plans**. The Commonwealth should focus its limited financial resources for land protection on projects and programs which are consistent with these two broad priority areas.

## GOALS AND RECOMMENDATIONS

**GOAL 2.1: To increase the efficiency and level of statewide land protection activities by establishing state and regional resource priorities.**

2.1.1: Agencies within the Executive Office of Environmental Affairs should provide leadership and assistance to nonprofit organizations and local and regional agencies to inventory resources and establish regional priorities for land protection projects of statewide, regional,

and local significance. The EOEAA will assist local and regional groups by adopting acquisition and data collection guidelines.

2.1.2: The Executive Office of Environmental Affairs should encourage and assist in the development of regional open space plans no later than year end 2000. Land protection priority setting within regions should be coordinated through regional planning agencies, watershed initiative basin teams, or nonprofit land protection organizations. State acquisition funding priority should be given to regional projects that are identified as priorities in regional plans.



The identification and evaluation of resource priorities should be based on sound scientific investigation.

- 2.1.3: The Executive Office of Environmental Affairs should place a high priority on land protection projects that: (1) leverage additional non-state funding; (2) utilize acquisition techniques other than fee-simple (i.e., conservation restrictions, bargain sales, etc.); (3) are consistent with local and regional protection priorities and growth plans; and (4) are located in areas where resources are threatened by sprawl or strong development pressures.

**GOAL 2.2: To improve the level and quality of land-based research and data collection relative to resource and land protection and disseminate this information for use by the land protection community.**

- 2.2.1: The Executive Office of Environmental Affairs should call for additional staff and increased technology resources available through MassGIS and user agencies. This objective would be to ensure the increased use of Geographic Information System (GIS) technology for resource priority setting at the local and regional level. The Internet also should be used a vehicle to increase local access to state GIS mapping and land and environmental data. GIS efforts should also be coordinated with adjacent states, where necessary, to protect resources which cross state boundaries.
- 2.2.2: The Commonwealth, through its colleges, universities, private industries, state agencies, and conservation partners, should continually and systematically improve the level, quality, and

dissemination of nature-based scientific and empirical research. This improved information is needed in order to enhance our global understanding of how our natural and cultural resources should be balanced and protected and how they can be sustained in perpetuity.

- 2.2.3: The Commonwealth should adopt more rigorous and coordinated data collection methods for tracking land protection activity at the state, local, and nonprofit level. MassGIS should receive additional staff and technology resources in order to maintain and map this information and make it available to land protection organizations.

#### **RESEARCH HELPS PRIORITIZE LAND PROTECTION AND PRESERVE BIODIVERSITY IN THE BERKSHIRES**

A recent case study of the Berkshires' rare species, open space, and elevation revealed a startling finding. Although the Berkshire Region has been very active in protecting land from development, research suggests that all land is not created equal. The essence of the Berkshires is in its wooded mountains, rolling hills, and lush valleys. The conservation of these features has been the focus of much deserved attention, but the hills and mountains appear to have received the lion's share of that attention at the expense of the valleys.

The percentage of protected open-space land increases with elevation. Land above 3,000 feet is 100 percent protected, whereas only 15 percent of the acreage below 1,000 feet is protected. Conversely, the number of rare species decreases as elevation increases. Approximately 112 state-listed species use habitats below 1,000 feet, in contrast with just 12 rare plants and animals that occur above 3,000 feet. These findings raise questions about whether past land protection efforts in this region have been successful in preserving the Berkshire's biodiversity. Therefore the recommended strategy is to encourage all state conservation agencies to focus on protecting lands supporting high biological diversity at lower elevations in the Berkshires.

Source: Our Irreplaceable Heritage, Protecting Biodiversity in Massachusetts, Division of Fisheries & Wildlife, 1998.



# Leveraging Resources for Land Protection

## POLICY VISION #3



### POLICY RATIONALE:

All members of the Massachusetts land protection community, led by the Executive Office of Environmental Affairs, need to re-evaluate the current level of financial commitment and the methods used to achieve land protection. While additional financial resources are clearly needed in order to achieve our vision for Massachusetts, a more leveraged use of existing resources, and the creative use of land protection techniques are needed in order to at least double current annual protection efforts. Special attention should be focused on regions where low density sprawl has become the dominant form of land development and where documented build-out pressures threaten to undermine our ability to protect and preserve critical land resources. The allocation of state acquisition dollars should be used to leverage other resources and be combined with sound planning, zoning, and other land protection techniques.

### POLICY STATEMENT:

The implementation of land protection efforts in the Commonwealth should encourage the use of state, local and regional partnerships in a way that best utilizes the resource capabilities of state and local governments and the organizational flexibility, project development, and negotiating strengths of land trusts. In addition, because of the urgent need for increased land protection, the Commonwealth should seek to at least double its current annual land protection efforts through the creation of new, dedicated funding sources, the more strategic use of existing state funds to leverage local resources, and the greater utilization of creative land protection techniques.

source for land protection efforts at the state level. In addition, the Governor should introduce legislation that would enable communities to enact local option dedicated funding sources for land protection at the local level.

## GOALS AND RECOMMENDATIONS

**GOAL 3.1: To improve the predictability of state funding for land protection, and to leverage resources from federal, local and nonprofit groups in order to increase the level of land protection.**

3.1.1: The Governor, through the Sustainable Development Council, should call for the creation of a dedicated funding

3.1.2: Increased state funding is needed in order to properly maintain and manage existing and future state protected land holdings and to increase the level of land protection statewide. Increased funding for management and land protection should be balanced with state funding for highway/roadway maintenance and other categories of infrastructure improvements. This is particularly true when such improvements increase local



roadway capacity, stimulate growth, and place increased development pressures on unprotected open space.

3.1.3: Greater long-term funding predictability should be created within agencies responsible for land protection by identifying a minimum "baseline" amount of funding that will be available in future fiscal years, to the extent possible. Also, more study is needed to investigate ways to allow funding to carry over fiscal years when necessary to carry out land protection projects.

3.1.4: The Executive Office of Environmental Affairs should enhance the Division of Conservation Service's Self-Help and Urban Self-Help program by increasing available funds, leveraging larger local matches, and targeting projects in cities and towns that have adopted open space and growth plans.

3.1.5: The Commonwealth should advocate the reactivation and refunding of the U.S. Department of Interior's Land and Water Conservation Fund (LWCF).

### **GOAL 3.2: To increase the level of land protection by municipalities, nonprofit land trusts, and individual property owners.**

3.2.1: The role of municipalities and local organizations in land protection must be supported and enhanced by the state through the provision of: (1) state funding incentives; (2) local funding authority; (3) increased education regarding the local benefits of land protection; (4) changes in land use and zoning regulations; (5) improved local and regional growth planning; and (6) the identification of "protected lands"

with inadequate levels of protection.

3.2.2: The Commonwealth should encourage cities and towns to inventory municipal land holdings and to place these holdings into permanent protection status if possible.

3.2.3: The EOEA should encourage, through a public information campaign, estate and financial planners to communicate to their clients the tax benefits of making land donations for conservation purposes.

#### **MASSACHUSETTS COUPLE USES CONSERVATION RESTRICTION BEQUEST TO LEVERAGE NEIGHBORS' SUPPORT TO PROTECT CHARLES RIVER FROM DEVELOPMENT**

Usually, estate tax savings are an important motivation for a bequest of a conservation restriction. For Geri and Doug Payne of Needham, one of the primary reasons for a conservation restriction bequest was to encourage neighbors to join them in conserving open land along the Charles River. In conversations with The Trustees of Reservations, the Paynes emphasized that they wanted to make sure that their 33.3-acre property on the Charles River would be protected from development and subdivision if they were to die unexpectedly. Moreover, they wanted to use their commitment to the future of their own property as leverage with their neighbors.

The restrictions were drafted and included in the Payne's will. Preliminary approval of the restrictions was obtained from the Division of Conservation Services and The Trustees of Reservations. The Paynes also very generously pledged a specified percentage of their estate as future endowment for the restrictions. The Payne's conservation restriction will be a significant addition to the Trustees' 30+ conservation restrictions protecting over 1,200 acres in the Charles River priority area.

Source: "Land Conservation Options, A Guide for Massachusetts Landowners," Essex County Greenbelt Association, Inc. and The Trustees of Reservations, 1998.



# Defining Roles and Building Partnerships for Land Protection

## POLICY VISION #4



### POLICY RATIONALE:

Massachusetts is credited for its founding role in the creation of the land trust movement in America and is viewed as a national leader in land protection. As a national leader the Commonwealth must recognize and cultivate the support of local, regional, state and federal organizations engaged in protecting our natural, recreational, historic, and working landscapes. The limited resources of all land protection organizations and governments must be focused on a comprehensive and coordinated strategy that protects our most important state, regional, and local resources and utilizes the financial and organizational strengths of each land protection organization.

### POLICY STATEMENT:

The Commonwealth should strengthen its status as a national leader in the protection and stewardship of its important land and water resources. In this role, the Commonwealth should seek to develop a coherent and coordinated regulatory and policy framework for land protection that provides technical support and financial incentives and promotes the role of local and regional land protection organizations, state agencies, municipalities, and private landowners. The Commonwealth's approach to land protection should promote and support the creation of partnerships that are formed to address the diverse resource protection and growth needs within different state regions.

## GOALS AND RECOMMENDATIONS

**GOAL 4.1: To increase the state's leadership role in land protection by undertaking and/or promoting key initiatives and providing assistance and incentives to facilitate statewide land protection.**

4.1.1: The Commonwealth should identify and promote innovative land protection techniques and landowner incentives that could play a significant role in achieving the state's land protection and preservation policies (e.g., state tax credit for individual land donations).

4.1.2: EOEa should work with the Department of Revenue, municipalities, and professional assessors' organizations to encourage uniform tax treatment of land subject to permanent conservation restrictions.

4.1.3: The Commonwealth should further implement Article 97 in order to ensure no loss or conversion of existing and future protected open space for other uses. In cases where protected lands are converted for other purposes, it is suggested that conversion require a "pay-back" provision requiring that an equal amount of "comparable" land be placed in permanent conservation status.

4.1.4: The EOEa should statutorily formalize

its current internal policy that prohibits future funding for land protection projects in municipalities where state and/or local lands have been removed from conservation status as per Article 97, without EOEAs support.

- 4.1.5: The Governor should direct all state agencies to work with EOEAs to inventory and evaluate their land holdings for their natural and cultural resource values no later than year end 2000. These agencies should be directed to work cooperatively with EOEAs to ensure the permanent protection and good stewardship of priority areas as soon as possible, and prior to any disposition or development of these areas.

**GOAL 4.2: To capitalize on the expertise and resources of all land protection entities by encouraging and promoting the creation of strategic partnerships whenever possible.**

- 4.2.1: The EOEAs should encourage partnerships with nonprofit organizations and local and regional agencies where such partnerships can facilitate land protection and the management of lands owned by the Commonwealth.
- 4.2.2: The EOEAs should formalize and more clearly define the role and responsibilities of the existing Interagency Lands Committee. This committee should work closely with the nonprofit community and other partnering organizations as appropriate. This Committee should advocate ways to streamline state procedures affecting land protection.

**GOAL 4.3: To increase the use of acquisition techniques, other than fee-simple, such as conservation restrictions and to increase state approval and enforcement of these restrictions.**

- 4.3.1: The EOEAs should promote, when appropriate, the use of conservation restrictions for land protection. To this end, conservation restrictions should continue to be approved in a timely and thoughtful manner by the Division of Conservation Services.
- 4.3.2: The Commonwealth, through the Office of the Attorney General, should lead local governments and nonprofit organizations in enforcing conservation restrictions that are held by these agencies and organizations.
- 4.3.3: The Commonwealth should establish a program for acquiring conservation restrictions (CRs) for important land holdings from non-conservation groups (e.g., summer camps, sports clubs, etc.) and municipalities to ensure future protection.
- 4.3.4: The Governor's Sustainable Development Council should examine more closely the role of nonprofit organizations in holding conservation restrictions on lands purchased by local governments as a means of discouraging the conversion of these lands for non-conservation purposes.



# Measuring Progress and Achieving the Vision

## POLICY VISION #5



### POLICY RATIONALE:

In order to embark on a strategic approach to land protection, the Commonwealth must establish goals for land protection that achieve the desired outcome articulated in the land protection vision. In addition, a method for measuring progress is needed in order to ensure that the vision is being achieved.

### POLICY STATEMENT:

The Commonwealth shall adopt procedures and a framework for measuring the progress of state land protection efforts on an annual basis. This process shall not be based solely on the total number of acres protected or the total number of dollars invested in land acquisition, but rather will measure annual progress against the achievement of state and regional land protection goals and objectives.

## GOALS AND RECOMMENDATIONS

**GOAL 5.1: To undertake steps to adopt criteria, monitor and measure state and local progress in resource and land protection.**

- 5.1.1: The EOEa, in partnership with the Interagency Lands Committee, nonprofit groups, regional planning agencies, and land trusts, should establish and adopt criteria for periodically measuring land protection progress at the state and regional level.
- 5.1.2: Local and regional open space protection plans should address procedures for measuring land protection progress, and periodically issuing a progress report which can be shared with the public.



**BLUE RIBBON PANEL WORKSHOP - Borderland State Park**  
Elizabeth Ainsley Campbell, Nashua River Watershed Association, stresses the importance of regional organizations in land and water protection.



- 5.1.3: The Governor and EOEa should convene a periodic conference on land protection for the purpose of bringing together land protection professionals to: (1) evaluate the progress of state and regional land protection efforts; (2) evaluate the achievement of the state's vision; and (3) to make additional policy recommendations.

### THE TREIBER/LEGEYT PROJECT "PRESERVING THE FAMILY FARM"

Four generations of LeGeyts have cared for the land and worked their dairy farm in Sheffield. In 1992, 141 acres of fields which the LeGeyts had leased for the last forty years had just gone on the market as part of Caroline Treiber's estate. With the Commonwealth's Agricultural Preservation Restriction Program (APR) funds exhausted, developers were perking away with visions of houses supplanting corn and hay. The viability of the LeGeyt's farm was suddenly in question.

Through coordinated efforts, a consortium of conservation organizations, spearheaded by the Sheffield Land Trust and the Massachusetts Audubon Society, along with the Sweet Water Trust, The Trustees of Reservations, the Berkshire Natural Resources Council and The Nature Conservancy, were able to raise enough money to purchase the Treiber land. If and when the APR Program was refunded the investments would be returned. Meanwhile the fields would be preserved.

In 1994, the APR Program was funded and the Massachusetts Audubon Society purchased the development rights on the Treiber land on behalf of the Treiber and LeGeyt families.

Source: "Land Conservation Options, A Guide for Massachusetts Landowners," Essex County Greenbelt Association, Inc. and The Trustees of Reservations, June, 1998.

### IF WE COMMIT TO LAND PROTECTION NOW, HOW WILL WE CHANGE THE FUTURE?

- ▶ The general public will have a comfortable sense that protected lands shape and give value to our built environment, and will understand that protecting lands is a good investment that is well worth the cost;
- ▶ While having accommodated change, the Commonwealth's distinct, characteristic pattern of urban centers, rural communities, and wild lands will still be here;
- ▶ Vibrant urban and suburban centers will be connected by corridors of recreation and greenways, and urban areas will be more vital communities, accommodating new economic opportunity in concentrated multiple-use, livable communities;
- ▶ Open spaces and land for recreation and other outdoor activities will be conveniently located close to where people live;
- ▶ Agricultural and forest lands in large blocks will still be integral to local communities, as well as the Commonwealth's economic and social vitality, and they will be recognized as a desired, long-term use of the land;
- ▶ We will still have the option of growing food for local consumption;
- ▶ Our protected wild and rural lands will encompass whole ecosystems, and we will have averted any additional loss of critical environments and species diversity;
- ▶ All of the Commonwealth's rivers will meet their designated uses and will be protected by riparian buffers;





- ▶ We will have sustained Massachusetts' rich biodiversity and saved examples of viable natural communities, especially functional assemblages of communities, that retain their full complement of native plants and animals;
- ▶ Local, regional, and state policy plans will be at the heart of the Commonwealth's land protection efforts and be complemented by sensible land use regulations, protection programs, and funding; and
- ▶ "Protection forces" will have the same influence as "market forces" in shaping our state's landscape, and the people of Massachusetts will wonder how either protection or development could be considered without the other.

### A DECADE OF ACTION FOR A CENTURY OF COMMITMENT

The Governor, state legislators, agency officials, and hundreds of independent land protection advocates are currently working across the state to make Massachusetts a better place to live. The policy directives and recommendations contained in this plan are intended to provide focus and direction and to bring state support to their vital efforts. Over the next decade the Commonwealth of Massachusetts will be challenged to take definitive actions to preserve its quality of life, economic prosperity, and environment for the 21st Century. **This initiative will require a dedicated commitment from all levels of government and from every resident to slow down and begin to reverse the effects of sprawl and to preserve what is important to our lives and our environment.**

The Blue Ribbon Panel on Land Protection is

honored to have had the opportunity to make a positive contribution to the state's future and is proud of the recommendations presented in this plan. However, it is the consensus of the Panel that this plan is simply a base from which future land protection initiatives will be launched. Much more work is needed to establish state and regional land priorities, cultivate strategic partnerships, increase the role and capacity of local nonprofit land trusts, and begin influencing how our communities grow and develop over time.

As we move toward our land protection vision for Massachusetts, it is essential that we begin organizing a statewide coalition behind this effort. **All individuals and organizations interested in protection of the Commonwealth's natural and historic landscapes must join together to create a broad-based coalition.** This coalition should advocate for the creation of new funding approaches and innovative techniques for land protection, the establishment of state and regional priorities, widespread community education on the numerous values of land conservation, and the need for an alternative to sprawl development in Massachusetts.





## **“The View From Borderland”**

**Massachusetts Executive Office  
of Environmental Affairs**

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**An Action Plan for the Next Decade – A Stewardship Plan for the Next Century**